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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,339	12/05/2000	Kyoichi Suwa	108057	6728

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Oliff & Berridge PLC
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EXAMINER

HOANG, QUOC DINH

ART UNIT	PAPER NUMBER
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2818

DATE MAILED: 01/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/729,339

Applicant(s)

SUWA, KYOICHI

Examiner

Quoc Hoang

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The Information Disclosure Statement filed on 04/20/2001 has been considered.

Election/Restrictions

3. Applicant's election of claims 1-8 and 11-14 in Paper No. 8 is acknowledged.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5-8 and 11 are rejected under 35 U.S.C. 102(b) as anticipated over Tateno et al. (U.S. Patent No. 6,166,412).

Regarding to claim 1, Tateno et al., Figures. 1-23, and related text on col. 1-22 which discloses a mask comprising: a circuit pattern R to be transferred to a substrate W via an optical system PL (col. 5, lines 25-65 and Fig. 2); and an inspection pattern to be used for a measurement of a line width L of a pattern transferred to the substrate W (col. 7, lines 10-67, col. 8, lines 1-45, and Figs. 4A-B).

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Regarding to claim 11, Tateno et al., Figures. 1-23, and related text on col. 1-22 which discloses a mask comprising a measurement pattern for a measurement of a line width of a circuit pattern R to be transferred onto a substrate W via an optical system PL, wherein the measurement pattern has a first linear pattern P1 formed with a predetermined line width L, and a second linear pattern P2 which is superimposed on an image of the first linear pattern P2 and has a line width L1 different from that of the first linear pattern P1 (col. 7, lines 10-50 and Figs. 4A-B).

Regarding to claim 5, Tateno et al., discloses the measurement pattern L is a part of the circuit pattern R (Fig. 4A-B).

Regarding to claim 6, Tateno et al., discloses a line width of the measurement pattern L corresponds to a line width of the circuit pattern R (Fig. 3).

Regarding to claims 7-8, Tateno et al., discloses an exposure step of transferring a circuit pattern of the mask onto a photosensitive substrate W via an optical system PL; and a measurement step of measuring prior to the exposure step, using an inspection pattern P1 and P2 which is formed on the mask to be used in the exposure step, a line width of a pattern to be transferred to said substrate (col. 7, lines 10-67, col. 8, lines 1-45, and Figs. 4A-B).

Allowable Subject Matter

6. Claims 2-4 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach an extraction pattern to be used for an extraction of a predetermined image from a superimposed image of the first measurement pattern and the second measurement pattern.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc Hoang whose telephone number is (703) 306-5795. The examiner can normally be reached on Monday -Friday from 8.00 AM to 5.00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms., can be reached on (703) 308-4910.

Quoc Hoang ^{QH}
Examiner
Group 2818



Viet Q. Nguyen
Primary Examiner